

# **Maine Center for Disease Control and Prevention WIC Nutrition Program**

Effective: October 1, 2012

Policy No. OM-10

Revised: August 1, 2014

## **Participant Rights and Responsibilities**

### **Authority**

7 CFR §246.4(a)(11)(i), (17-18)

22 MRSA §255 and §1951

10-144 CMR Chapter 286, §V

National Voter Registration Act of 1993

### **Policy**

1. WIC program regulations and guidelines shall be available to the public on request. These documents include the WIC Federal Register, and Maine WIC Program Policy and Procedure Manuals.
2. The State Agency shall have uniform notification procedures that shall be used by all Local Agencies statewide to notify participants of their rights and responsibilities.
3. Applicants/participants shall be notified of their rights and responsibilities in the following situations:
  - 3.1 At each certification of eligibility
  - 3.2 At initial finding of ineligibility
  - 3.3 Upon mid-certification disqualification
4. All Local Agencies shall inform all applicants/participants of their rights and responsibilities in written form. Special notification policies and procedures shall be in place for the applicant/participant who speaks a language other than English and for persons with disabilities.
5. Maine CDC WIC Nutrition Program participant rights and responsibilities shall be outlined in the WIC ID folder (Appendix CE-A1).
6. It is the WIC staff member's responsibility to ensure participants are aware of their rights as program participants.
7. Participant rights include:
  - 7.1 WIC applicants/participants shall be entitled to certain rights including, but not limited to, protection against discrimination and the right to a fair administrative hearing when benefits are denied.

- 7.2 Each participant on the Maine CDC WIC Nutrition Program must be treated with courtesy while in the WIC office or the grocery store. A WIC participant must never be singled out in a grocery store by the use of intercom or coding systems that draws attention to the fact that he/she is a WIC participant.
  - 7.3 Persons with disabilities must be treated the same as all other applicants/participants. WIC Program services must be accessible without hardship to disabled applicants and participants.
  - 7.4 All participants/applicants must be informed of their right to protection against discrimination and the procedure for filing a complaint.
  - 7.5 Local Agencies, as mandated by the National Voter Registration Act of 1993, must offer voter registration opportunities to all applicants/participants who enter a clinic for the application or recertification of WIC benefits. Individuals who want to register shall be given a voter registration application and any assistance needed to complete the form.
  - 7.6 A person or his/her guardian shall be guaranteed the right to appeal a decision or action by the State or Local Agency which results in the individual's denial of eligibility, suspension, or termination from the Maine CDC WIC Nutrition Program.
8. Participant responsibilities include but are not limited to:
- 8.1 WIC applicants/participants shall be obligated to provide true information and follow program requirements.
  - 8.2 Individuals must be physically present at the initial WIC certification and subsequent recertifications, except in certain limited circumstances as defined in ME WIC Policy *CE-1, Eligibility Application Process, Identification Requirements and Documentation*.
  - 8.3 Participants/authorized representatives must bring the family ID Folder to all WIC appointments, show the ID folder to the store cashier when redeeming food instruments, and report a lost or stolen ID folder to the Local Agency immediately.
  - 8.4 At each certification, the participant or parent/guardian must sign the electronic signature pad, acknowledging their understanding of WIC rights and responsibilities. Prior to signing, the applicant must read (or have read to her/him) the participant rights and responsibilities statement. Interpreters shall be used to read the Participant Rights and Responsibilities as needed (See Policy *CR-6, Language Access*).

## Procedure

1. To inform applicants and participants or their parents or caretakers of Program rights and responsibilities, the following statement shall be provided at the time of certification:

- 1.1. “I have been advised of my rights and obligations under the Program. I certify that the information I have provided for my eligibility determination is correct, to the best of my knowledge. This certification information is being submitted in connection with the receipt of Federal assistance. Program officials may verify information I have provided. I understand that intentionally making a false or misleading statement or intentionally misrepresenting, concealing, or withholding facts may result in paying the State Agency, in cash, the value of the food benefits improperly issued to me and may subject me to civil or criminal prosecution under State and Federal law.”
2. The statement must be read by or to the applicant, parent, or caretaker.
3. The statement must contain the language above or alternate language as approved by FNS as outlined in 7 CFR Part 246.4(a)(11)(i).
4. The applicant, parent, or caretaker must sign the electronic signature pad after the statement is read.
5. All WIC applicants/participants shall be notified of the USDA’s Nondiscrimination Policy at certification. The Nondiscrimination Policy statement must be included on all publications, outreach materials, handouts, leaflets and brochures that identify or describe the WIC Program as outlined in Policy No. *CR-1, Public Notification Requirements and Non-Discrimination Notice*.
6. An applicant or participant found ineligible for the Program during a certification visit must receive a *Notification of Appeal Procedure* form (Appendix OM-A3). The reason for ineligibility must be documented and scanned into the participant record.
7. An applicant or participant who is about to be suspended or disqualified from program participation at any time during the certification must receive a *Notification of Appeal Procedure* form not less than 15 days before the suspension or disqualification.
8. The *Notification of Appeal Procedure* form does not have to be provided to participants who become inactive for failure to keep a scheduled WIC appointment, at the expiration of a certification period, or when they become categorically ineligible for WIC benefits.